Supreme Court, U.S.
FILED
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OFFICE OF THE CLERK

No. :_____

In the

Supreme Court of the United States

RUBIN STERNGASS,

Petitioner,

-against-

PALISADES INTERSTATE PARK COMMISSION, THE STATE OF NEW YORK, THE TOWN SUPERVISOR OF THE TOWN OF ORANGETOWN, et. al.,

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

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QUESTIONS PRESENTED

1. May the State, by its Agency – the Palisades Park Commission, as created by the Congressional Compact of 1900 and as further defined – evade the mandate and intent of that Federal law AND as so raised below and judicially ignored?

2. Does that Agency have the authority to take real property without actually paying for it, pursuant to the "just compensation" constitutional mandate?

3. Is the lack of personal notice to the known property-owner required by Law, prior to appropriation, AND did appropriation, without such required notice, create improper "subject matter" jurisdiction to the New York Court of Claims?

4. Is "Just Compensation" to be defined as made by uncollectible judgment, or is it to be made in United States currency only, AND is it permitted contrary to the terms of the Congressional Compact to unilaterally release itself from these interstate obligations?

5. Is "Just Compensation" for improved commercial highway billboard use – prior to Zoning – to be valued at its "highest available use" by the Court of Claims of the State of New York?

6. Did the Agency's coercive action manipulate the New York Court of Claims evade its constitutional responsibility under the Fifth (5th), Seventh (7th) and

Fourteenth (14th) Constitutional Amendments AND exceed its jurisdictional limits?

7. Did the Circuit Court of Appeals Dismissal, Sua Sponte, on the unraised issue of the Statute of Limitations violate my Due Process to be heard on my claim of a void taking of my real property?

8. Did the lower court's avoidance of the Doctrine of "Judicial" Notice of the Common Law Constitutional and public statutes of the United States deny Due Process and Equal Protection, as mandated?

9. Is the appropriation and taking void by the fact of non-payment a prima fascia basis for return of the real property?

10. Is an Interlocutory Judgment, as issued by the New York Court of Claims, a collectible money judgment, or does it expire after ten (10) or twenty (20) years and non-payment?

11. New York State Case Law adheres to the judicial notice principle that must be followed when a Federal statute is involved. Should not a Congressional Compact demand the same judicial respect?

LIST OF PARTIES

The parties to the proceeding are shown in the caption.

Petitioners are not a corporation.

Respondent is not a foreign bank, and we have no knowledge of parent corporations or subsidiaries.

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STATEMENT OF THE BASIS FOR THE JURISDICTION

The Circuit Court of Appeals for the Second Circuit issued their Sua Sponte Summary Order (dated January 18, 2008) and their Denial of my Request for Rehearing (dated February 7, 2008) (Appendix 2a) in violation and contrary to:

1. The Congressional Compact, circa 1900 mandated the New York State Court to comply with the Compact's intention and specifications for State Supreme Court's exclusive jurisdiction [|*Kinkopf v. Triborough Bridge Tunnel (2004)*, 792 NYS2 291, 292; *Mendez v. Steen Trucking (1998)*, 254 AD2 715, 716 [Fourth (4th) Department]; 680 NYS2 134, p. 135-136; *Paladino v. Time Warner Cable (2005)*, 16 AD3 646; 793 NYS2 63 [Second (2nd) Department]; and *Shepardson v. Town of Schdock (1994)*, 83 NY2 894; 613 NYS2 850]] [*Bass Enters Prod. v. United States (Federal Circuit) 1998)*, 133 F3D 893-895; *Kagen v. Kagen (1968)*; 21 NY2 532; 289 NYS2 195; and *United States Constitution, Article VI, Section 7(b) (1962)*];

2. The Judicial Code (USC), Chapter 85, Section 1343(3) and the Compact Clause – and finally,

3. The Fifth (5th), Seventh (7th), and Fourteenth (14th) Constitutional Amendments for Due Process, Equal Protection, and Just Compensation for temporary taking [*Alves v. United States (Federal Circuit 1998)*, 133 F3D 1454-1456]; and the Supremacy clause and the Federal Estoppel Theory, based upon the Interstate Compact, which is the foundation of my

claims for relief. *Bass Enters Prod v. United States (Federal Circuit 1998),* 133 F3D 893-895] and title to – appropriated and without prior notice.

CONSTITUTIONAL PROVISIONS

1. The United States Constitution, Fifth (5th), Seventh (7th) and Fourteenth (14th) Amendments; Supremacy Clause; Compact Clause; Article VI, Section 7(b); Article III:

> "Vesting takes place when a present right is conferred" and possession by valid deed", and the State of New York's taking is void and compensable as an Ultra Vires destruction of real property [*Aberdeen Restaurant v. Gottfried (1936)*, 285 NY 832: *Donohue v. Cornelius (1966)*, 271 NYS 2D 231; and *People v. Ailey (1946)*; 64 NYS 2D 348].

2. The United States Constitution, Fifth (5th) Amendment question of takings compensability is directly involved by the facts of this matter and is a federal question that has been erroneously avoided by the lower Federal courts.

3. The State of New York, being in complete control and mandated by the State of New York's Constitution (Article 1, Sections 6 and 7), had selected and caused the initial judicial inquiry to be commenced within the controlling Statute of Limitations, to be heard at the New York State Court of Claims. I contend that this is contrary to the mandate of the Congressional Compact and New York State Real Property Law, causing the lack of jurisdiction and based upon no notice, thereby making

that Interlocutory Judgment void and uncollectible [*Martin v. Hunter Lessee (1816),* 14 US 304 @ 332; and *Marbury Madison (1803);* "no middle ground", 5 US 137].

4. The Appropriation, based upon incorrect procedure, is void abinitio and the Court's below have erred in the treatment from the Federal District Court and of the Appellate level.

STATEMENT OF THE CASE

The actual taking (circa 1964) by appropriation, without prior notice, created an act that is Ultra Vires and void abinitio and contrary to the "Judicial Notice" Doctrine [*Cooper v. Morin (1977)*, 398 NYS 2D36; 49 NYS 2D 69, Cert. Denied 100 S. Ct. 2965; 446 US 984].

To further exasperate these conditions, I was forced into the limited jurisdiction of the New York State Court of Claims [*Atkocus v. Terker (1941)*, 30 NYS 2D 628; *Dowski v. Merritt-Chapman & Scott Corp. (1946)*, 65 NYS 2D 890; 271 AD 874; 66 NYS 2D 635; *Engel v. Just Rite Handkerchief Co. (1943)*, 43 NYS 2D 688; and *Scheinzeit v. Kelly (1948)*, 80 NYS 2D 509]. The unsuccessful and ignored attempts "to be heard" by that court – which resulted in an uncollectible Interlocutory Judgment – all of which is contrary to the edict of the Congressional Compact. The Constitutional Mandate of Just Compensation remains in non-compliance today [*Association of Data Processing v. Camp (1970)*, 397 US 150].

It is my assertion that the title, as so taken by the State of New York, is void; and this Honorable Court can order compensation for the temporary taking. In addition, this Honorable Court can also Order a return of title and real property, by direction to the State of New York. *Malloy's Estate (1938)*, 28 NY 429.

As for the Town of Orangetown, this court can direct their compliance to the vested and deeded rights

of investment expectations from prior property improvements, for the protection of the Constitutional edict for freedom of speech, and to permit the legal prior use of a highway billboard to be rebuilt in accordance with code requirements for pylon structural safety [[*Metro Media v. Santiego (1981),* 453 US 490 [Violates First (1st) Amendment] and *People v. Turza (2002),* 851 MUS 2D 351]].

Reasons for granting the Writ Relief, pursuant to 28 USC 1651, the Common Law, and 28 USC 1257, are to protect vested entitlements as created by improvements to commercially used real property since 1935. These aforementioned reasons also qualify for protecting the right of Freedom of Speech, as that is the intent and purpose of a highway billboard.

> "The character of the use may determine not only the validity of the regulation by the reasonableness of its specific application."
>
> [*Anderson's New York Zoning,* Section No. 9.01] (prior uses).

The Town of Orangetown's Zoning Ordinance came into existence in 1948 and shall not divest the pre-existing vested rights attached to this site "on constitutional grounds" [*Palazzo v. Rhode Island (2001),* 533 US 606, 631; 121 S. Ct. 2448; *Penn Central;* 438 US 130-131; *Penn Coal v. Mahon (1922),* 260 US 393, 413; 43 S.Ct. 158; *Rose Farm v. United States,* 373 F. 3D 1177; and *Seawall v. City of New*

York, 24 NY 92 @ 105]; and *Vernon Park Realty v. City of Mount Vernon*, 307 NY 493]. It is non-conforming use for any residentially zoned use [*Arverne Bay v. Thatcher*, 78 NY 522 @ 529].

"Statutes of Limitations go to Matters of Remedy, NOT to the destruction of fundamental rights."

Actual payment for the highest available use can be so ordered along with the return of title and land with directions to the Town of Orangetown to issue a Permit for its rebuilding.

The Common Law of Property permits an owner of fee simple real property to "use" that does not create an injury to his neighbors. [*Berenson v. Town of New Castle*, 38 NY 2106; 341 NE 2236, 378 NYS 2672 (1975) and *Gordon v. Ramapo* (1972), 30 NY2d 359, 285 NE 2 291, 334 NYS 2138, and the seminal zoning case *Village of Euclid v. Amber Realty*, 272 US 365, 47 S. Ct. 114], which mandate compliance where there is to be a substantial relation to the public health, safety, morals, or general welfare. That edict does not include exclusionary purpose, as that is an inherent Constitutional principle that shall not be violated and the Common Law of vested property is sacred and fundamental. The Petitioner's deed, in 1957, acquired the grantor's right, title, and interest to continue the pre-existing highway billboard use; and that was conveyed by deed to me [[*Metro Media v. Santiego (1981)*, 453 US 490 [Violates First (1st) Amendment]]].

The use and billboard was on the site (until circa 1964) and destroyed, prior to the actual date of appropriation. The Town of Orangetown's Zoning Ordinance, as applied to this site by Municipal activity, is and was an invasion of property and should be viewed, by this Honorable Court, as a taking without just compensation and violative Due Process. [*Loretto v. Teleprompter*, 458 US 419, 102 S. Ct. 3164 (1982) *and Connoly v. Pension-Benefit*, 475 US 211 @ 225; 106 S. Ct. 1018 @ 1026 (1986); *Briarcliff Associates Inc., et al. v. Town of Cortlandt*; 708 NYS2 421; 272 AD2 488; denied 96 (NY2) 704; 23 NYS2 130; and *Monteray v. DelMonte (1999)*, 526 US 687; 119 S. Ct. 1624].

The Circuit Court has erred, by its Sua Sponte view and dismissal, as the Statute of Limitations has been erroneously determined [*Chase Securities v. Donaldson (1945)*, 325 U 304; 65 S. Ct. 1137, 1141; *DeHart v. Hatch (1875), 3 HUN* 375; and *509 Sixth Avenue Corp. V. New York City Transit Authority*, 15 NY 2D 48, 255 NYS 2D 89 "continuing torts accrue daily, no Statute of Limitations"]. Statutes of Limitations go to Matters of Remedy, NOT to the destruction of fundamental rights.

There exists an Interlocutory Judgment that remains unpaid and void, as a matter of Law for lack of subject matter jurisdiction [*Mora v. Sun Mutual Insurance Co. (1861)*; 13 Abb. Prac. 304, 22 HP 60 (New York Superior Court)].

Since their appropriation, the Palisades Interstate Park Commission continues the same and unaltered water course drainage through this site.

REASONS FOR GRANTING THE WRIT OF CERTIORARI

As most ably stated in *Lingle v. Chevron,* 543 US 1118, 125 S. Ct. 1105 (1/24/05), and *Nectow v. Cambridge* (1928), 277 US 82 @ 188; 48 S. Ct. 447 @ 448, the facts in this matter are as stated herein:

1. This site (0.42 acre) was used for a highway billboard since 1935.

2. It is part of the drainage for this area and has a forty-eight inch (48") diameter drainpipe to traverse U.S. Route 9W in Sparkill, New York.

3. The Palisades Interstate Park Commission wanted to remove this "blighted, pre-existing use", and they did so by subterfuge rather than by adherence to Constitutional and Congressional Mandates [*First English Church v. Los Angeles (1987 and 1989),* 482 US 304; 107 S. Ct. 2378; 96 LED 2 250; *Miller v. Schoene,* 276 US 272; and *Texas v. New Mexico (1983, 1987, and 1988),* 462 US 554, 564; 103 S. Ct.2558, 2565; 482 US 124, 127; 107 S. Ct. 2279, 2283, 485 US 338; 108 S. Ct. 1201]

4. An illegal act cannot be made legal by subsequent compliance; and Just Compensation for temporary taking, plus return of real property to continue its vested entitlement, can be resolved by this Honorable Court now [*Monteray v. DelMonte (1999),* 526 US 687; 119 S. Ct. 1624].

CONCLUSION

I listen to and hear the current voices of present-day patriots, who – in their own ways – espouse the conflicts that exist, nationally.

"Lest we forget" ... I am mindful of and respectful to the past patriotic pleas of Benjamin Franklin and Chief Justice John Marshall and the many jurists that have followed their precepts, relating to our United States Constitution.

I am thankful for the opportunity to be heard by the final voice of this Judiciary, while I seek the relief contained within our ever-fragile United States Constitution.

The facts establish – and, at a minimum, raise – issues of Equal Protection, Due Process, and Abuse of Process. The Congressional Compact is the next step which (in my view) requires the same strict scrutiny to honor the Peoples' right to protection of their real property *[Cuyler v. Adams (1981)*, 449, US 433; 101 S. Ct. 703; *First English Church v. Los Angeles (1987 and 1989)* 482 US 304; 107 S. Ct. 2378; 96 LED 2 250; *Murdock v. Memphis (1875)*, 87 US (20 Wall) 590, 22 LED 429; *Texas v. New Mexico (1983, 1987, and 1988)*, 462 US 554, 564; 103 S. Ct. 2558, 2565; 482 US 124, 127; 107 S. Ct. 2279, 2283; 485 US 338; 108 S. Ct. 1201].

The loss of my freedom of speech drives me as my way of repayment for the benefits I did receive under the G.I. Bill of 1946 [[*Metro Media v. Santiego (1981)*, 453 US 490 [Violates First (1st) Amendment]]].

The Regulatory Municipal Abuse capability is an ever-going and ever-growing "immortality" of the despotism of present-day zoning and Eminent Domain by State and Local Municipal kingdomery, whose purpose seems to be to quell the Peoples' voice of dissent by shenanigans; and inevitably, death permits tyranny to continue. As constitutionally spoken, "Just Compensation" shall be paid. The problem exists, as to how to define that term of constitutional import and to Municipal satisfaction.

Since 1950, my wife and I have devoted our lives to the belief that "Justice will prevail". Only I now remain to continue this battle, and thereafter, possibly any of our three (3) children will continue it for us.

By United States Supreme Court edict, (clarification is necessary) – as lower Courts seek novel – moves to evade their duty [*West Virginia Ex Rel Dyer v. Sims (1951)*, 341 US 22; 71 S. Ct. 557]. Enforcement of the Supreme Law of the Land is clear within the Supremacy clause, but Municipal Immunity is a false "rattle of the saber". Municipal abuse to this clause should automatically invoke the Common Law Doctrine, "Trespass on the Case",and the daily sanction shall be paid until compliance [*Cuyler v. Adams (1981)*, 449, US 433; 101 S. Ct. 703, *First English Church v. Los Angelos (1987 and 1989)*, 482

US 304; 107 S. Ct. 2378; 96 LED 2 250; and *Texas v. New Mexico (1983, 1987, and 1988)*, 462 US 554, 564; 103 S. Ct. 2558, 2565; 482 US 124, 127; 107 S. Ct. 2279, 2283; 485 US 338; 108 S. Ct. 1201].

Damages – based upon a continuous tort plus liability that has been constitutionally established – and interest, are to accrue from the date of Appropriation [*Kirby v. United States*, 635 FS 705]; and "continuing torts, accrue daily, no Statute of Limitations" [*509 Sixth Avenue Corp. v. New York City Transit Authority*, 15 NY 2D 48, 255 NYS 2D 89]. In finality, the District Court did not allow the required Seventh (7th) Amendment right to a Jury Trial, as demanded in my Verified Complaint appended herein (Appendix Page 9a).

Respectfully submitted,

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UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

SUMMARY ORDER

Rulings by Summary Order do not have precedential Effect. Citation to Summary Orders filed after January 1, 2007, is permitted and is governed by this Court's local Rule 32.1 and Federal Rule of appellate procedure 32.1. In a Brief or other paper in which a litigant cites a Summary Order, in each paragraph in which a citation appears, at least one citation must either be to the federal appendix or be accompanied by the notation: ("Summary Order)." A party citing a Summary Order must serve a copy of that Summary Order together with the paper in which the Summary Order is cited on any party not represented by counsel unless the summary order is available in an electronic database which is publicly accessible without payment of fee (such as the database available at http://www.ca2.uscourts.gov/). If no copy is served by reason of the availability of the order on such a database, the citation must include reference to that database and the docket number of the case in which the order was entered.

At a stated term of the United States Court of Appeals for the Second Circuit, held a the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York on the 18th day of January, two thousand and eight.

Present:

HON. SONIA SOTOMAYOR,
HON. DEBRA ANN LIVINGSTON,
Circuit Judges,
HON. GREGORY W. CARMAN
Judge, U.S. Court of International Trade

Rubin Sterngass,

Plaintiff-Appellant,

v.

Palisades Interstate Park Commission, The State of New York, The Town Supervisor of the Town of Orangetown,

Defendants-Appellees.

For Plaintiff-Appellant: Rubin Sterngass, *pro se, Valley Cottage, New York.*

For Defendants-Appellees: David Lawrence III, Assistant Solicitor General (Michael S. Belohlavek, Senior Counsel, Division of Appeals and Opinions, *on the brief*), for Eliot Spitzer, Attorney General of the State of New York.

UPON DUE CONSIDERATION, it is hereby ORDERED, ADJUDGED AND DECREED that the Judgment of the district clerk is AFFIRMED.

Plaintiff-appellant Rubin Sterngass, *pro se*, appeals from the December 20, 2005 judgment of the United States District Court for the Southern District of New York (McMahon, J.) dismissing his civil action, *sua sponte*. We presume the parties' familiarity with the underlying facts and procedural history of this case.

We review *de novo* a district court's *sua sponte* dismissal of a complaint. *See McEachin v. McGuinnis*, 357 F.3d 197, 200(2d Cir. 2004).

Appellant's complaint is properly construed as a 42 U.S.C. § 1983 claim for deprivation of property without due process of law. *See Mitchum v. Foster*, 407 U.S. 225, 242 (1972). Any such claim accrued when appellant knew or had "reason to know of the injury that is the basis of the action," *M.D. v. Southington Bd. Of Educ.*,334 F.3d 217, 221 (2d Cir. 2003), that is, either when his land was seized in 1964, or, at the latest, in 1972 when the appeal from the judgment of the state court proceedings awarding Appellant compensation for the seizure of his land was dismissed. For § 1983 actions arising in New York, the statute of limitations is three years. *See Eagleston v. Guido*, 41 F.3d 865, 871 (2d Cir. 1994). Thus, the latest that Appellant's cause of action accrued was 1972, approximately 30 years before he filed his complaint in the instant case. The statute of limitations has therefore expired in respect of Appellant's claims.

We have considered Appellant's remaining arguments and find them to be without merit. For the reasons discussed, the judgment of the district court is AFFIRMED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

By: s/

FILED
Jan. 18 2008

UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT
Thurgood Marshall U.S. Court House
40 Foley Square,
New York, NY 10007

Catherine O'Hagan Wolfe, CLERK OF COURT

ORDER
Docket # 06-1073-CV

At a stated Term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 7th day of February two thousand eight.

Before: Hon. Sonia Sotomayor,
Hon. Debra Ann Livingston,
Circuit Judges.

Hon. Gregory W. Carman,
Judge, U.S. Court of International Trade.

Rubin Sterngass,
Plaintiff-Appellant,

v.

Palisades Interstate Park Commission,
the State of New York, the Town Supervisor
of the Town of Orangetown,
Defendants-Appellees.

Appellant Rubin Sterngass having filed a petition for panel rehearing and the panel that determined the appeal having considered the request,

IT IS HEREBY ORDERED that the petition is denied.

For the Court:
Catherine O'Hagan Wolfe, Clerk

By: s/ Judy Pinamont
Motion Staff Attorney

Filed February 07, 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUBIN STERNGASS,

Plaintiff,

-against-

PALISADES INTERSTATE PARK COMMISSION, the STATE OF NEW YORK, and the TOWN SUPERVISOR of the TOWN OF ORANGETOWN,

Defendants.

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05 Civ. 8784 (CM)

MEMORANDUM ORDER DISMISSING COMPLAINT SUA SPONTE

McMahon, J.:

This matter was transferred to this Court by the Hon. Stephen C. Robinson, U.S.D.J.

The complaint is virtually unintelligible. It appears, however, that plaintiff once owned land in Rockland County (Town f Orangetown) that was taken by the State of New York and/or the Palisades Interstate Park Commission. The present complaint seeks to void that taking as being beyond the State's power and a violation of the Fifth and Fourteenth Amendments.

Putting aside any jurisdictional defects (for example, New York State's sovereign immunity, or the

fact that the State of New York has an Eminent Domain law that has been held to satisfy Due Process considerations in connection with takings of property), the complaint is dismissible *sua sponte* as time barred, because the fact of the pleading demonstrates that plaintiff's property was appropriated on July 13, 1964 (see Affidavit of Title, attached to complaint as an exhibit and sworn to by plaintiff himself, which recites that as the date of appropriation). The affidavit led tot he entry of a judgment on consent in favor of the plaintiff in the New York Court of Claims (where the State of New York can be sued for money damages). We know this from another exhibit to the complaint, a letter from the Attorney General of the State of New York to the Court of Claims asking that judgment enter against the State and the Commission. The letter is dated May 15, 1968. So Plaintiff had to have known about the purportedly illegal taking at some point prior to May 15, 1968. Any federal claim in connection therewith that is brought in 2005 is of necessity time barred.

The complaint is dismissed *sua sponte*, with prejudice and without costs.

Copies mailed to counsel 12/19/05
Dated: December 19, 2005

s/
U.S.D.J.

BY FIRST CLASS MAIL TO THE ATTORNEY GENERAL, STATE OF NEW YORK, BY FIRST CLASS MAIL TO PLAINTIFF.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RUBIN STERNGASS,

Plaintiff, Pro Se,

-against-

Palisades Interstate Park Commission,
The State of New York, The Town Supervisor
of the Town of Orangetown,

Defendants.

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05 Civ. 8784
Filed Oct 17, 2005

VERIFIED COMPLAINT
"Jury Trial Demanded"

October 6, 2005

United States Courthouse
300 Quarropas Street
White Plains, NY 10601-4150

Attention: Mr. J. Michael McMahon
Clerk of Court

Dear Mr. McMahon:

I am RUBIN STERNGASS, the Pro Se Plaintiff in this Action, residing in the County of Rockland, State of New York; and I state the following:

APPEAL, CLOSED

U.S. District Court
Southern District of New York (White Plains)
CIVIL DOCKET FOR CASE #: 7:05-cv-08784-CM
Internal Use Only

Sterngass v. Palisades Interstate Park Commission et al
Assigned to: Judge Colleen McMahon
Cause: 28:1331 (a) Fed. Question: Real Property
Date Filed: 10/17/2005
Jury Demand: None
Nature of Suit: 290 Real Property: Other
Jurisdiction: Federal Question

Plaintiff
Rubin Sterngass represented by: Rubin Sterngass
129 Ridge Road
Valley Cottage,
NY 10989
(845) 268-0180
PRO SE

v.

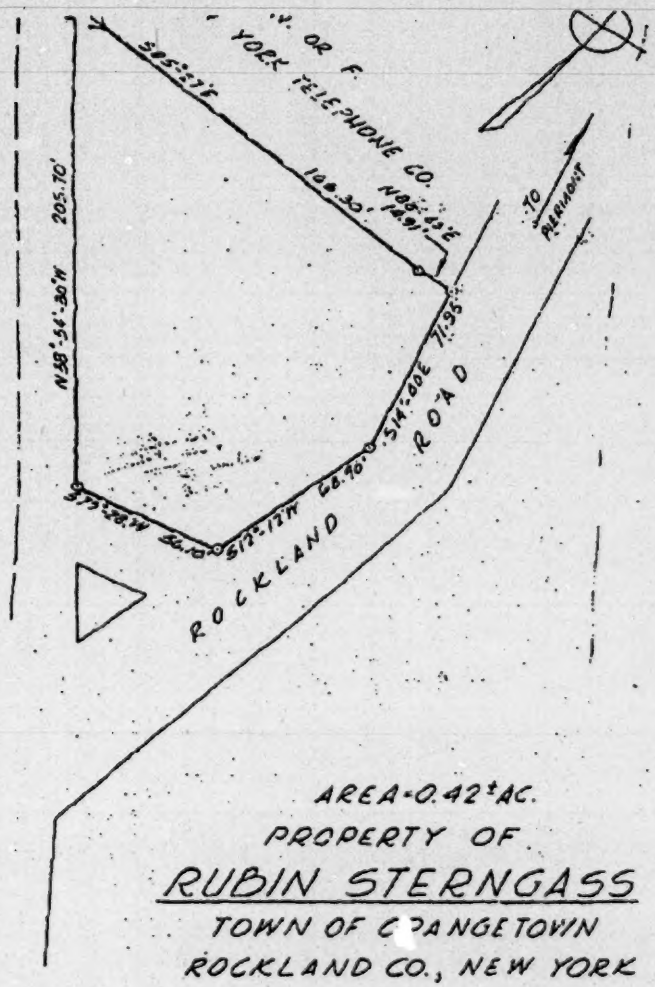
Defendant
Palisades Interstate Park Commission

Defendant
The State of New York

Defendant
The Town Supervisor of the Town of Orangetown

Date Filed: 1/17/2005 - #1
COMPLAINT against Palisades Interstate Park Commission, The State of New York, The Town Supervisor of the Town of Orangetown. (Filing Fee $250.00. Receipt Number 554824) Document filed by Rubin Sterngass.(tb) (Entered: 10/17/2005)

Date Filed:10/17/2005
SUMMONS ISSUED as to Palisades Interstate Park Commission, The State of New York, The Town Supervisor of the Town of Orangetown. (tb) (Entered: 10/17/2005)



AREA-0.42± AC.

PROPERTY OF

RUBIN STERNGASS

TOWN OF C ANGETOWN

ROCKLAND CO., NEW YORK

SCALE: 1"=40' FEB. 25, 1964

R-9421 LIBER 650 Page 208

THIS INDENTURE,

Made the 18th day of June, nineteen hundred and fifty-seven between ELEANOR ISEMAN, residing at 35 Lexington Avenue, in the Borough of Westwood, County of Bergen and the State of New Jersey, party of the first part, and RUBIN STERNGASS, residing at Ridge Road, (no number) Valley Cottage, Rockland County, New York, party of the second part.

WITNESSTH, that the party of the first part, in consideration of Ten ($10.00) -------- Dollars, lawful money of the United States, and other good and valuable consideration do so hereby grant and release unto the party of the second part, his heirs, and ____ _____ all that certain lot, piece or parcel of land and premises, situate, lying and being in Sparkill, Rockland County, New York, bound and described as follows:

BEGINNING at a stake at the Northeasterly side of Route No. 9W and from thence running South 85 degrees 27 minutes East 166.30 feet to a point; thence running South 88 degrees 43 minutes East 14.10 feet to a spike in the Westerly side of Rockland Road South 18 degrees 14 minutes East 71.95 feet to a spike; thence still along the Westerly side of Rockland road South 18 degrees 12 minutes West 68.90 feet to a spike; thence running South 79 degrees 28 minutes West 56.10 feet to a monument; on the Northeasterly side of Route 9W North 38 degrees 54 minutes 30 seconds West 205.70 feet to the point or place of beginning.

Article 7

NON-CONFORMING USE AND NON-CONFORMING BULK REGULATIONS

7.1. Applicability.

This Article applies only to buildings and non-building uses in existence on the effective date of this ordinance. Except as otherwise expressly provided in Sec. 7.3, the lawful use of any premises existing on the effective date of this ordinance may be continued although neither such use nor the bulk of the same conforms to the regulations.

Town Board Notice for regular meeting to adopt amendment to zoning ordinance, for Town of Orangetown, Rockland County, State of N.Y. Signed and dated 2/25/1957.

RUBIN STERNGASS
129 Ridge Road
Valley Cottage, New York 10989
HOME: (845) 268-2558; CELL: (845) 721-0421
FAX: (845) 268-2176

December 1, 2005

Town of Orangetown
26 Orangeburg Road
Orangeburg, NY 10962
Attention: Ms. Charlotte E. Madigan
Town Clerk

Reference: Sterngass v. PIP, et al.
United States District Court
Docket No. 05 CIV 8784

Dear Ms. Madigan:

The attached Summons and Complaint is being served upon your office for distribution to the offices of the Town Supervisor and the Town Attorney; and I hereby demand compliance with the procedure, as indicated within that Summons.

Your cooperation will be greatly appreciated. Thank you.

Respectfully yours,

s/
Rubin Sterngass

RS:bsr
Enclosures

RUBIN STERNGASS
129 Ridge Road
Valley Cottage, New York 10989
HOME: (845) 268-2558; CELL: (845) 721-0421
FAX: (845) 268-2176

December 1, 2005

Affiliated Planning Services, Inc.
Real Estate Appraisals
and Planning Services
Three Old Brick Road
New City, New York 10956
Attention: Mr. David G. Adams

Reference: Appraisal for Property in Sparkill, NY

Dear Mr. Adams:

Kindly advise of your cost and availability to perform an appraisal of the site situation in Sparkill, Town of Orangetown. (A copy of a map and deed of the site is enclosed for your reference.) The appraisal I require is for the "highest and best use" – specifically, for a Pylon-type sign.

The site contained a highway billboard from 1930 to 1964. In 1964, the State of New York removed that billboard and appropriated the land as "vacant".

Your prompt reply will be greatly appreciated. Thank you.

Very truly yours,

s/_____
Rubin Sterngass
RS:bsr
Enclosures (Map and Deed)

United States District Court
Southern District of New York
Office of the Clerk
U.S. Courthouse
300 Quarropas Street, White Plains, N.Y. 10601

Sterngass

v.

Palisades

NOTICE OF REASSIGNMENT
05 civ. 8784 (cm)

Pursuant to the memorandum of the Case Processing Assistant the above entitled action is reassigned to the calendar of

JUDGE s/ Colleen M. Mahon

All future documents submitted in this action shall bear the assigned judge's initials after the case number. If this case is assigned to the Electronic Case Filing (ECF) system, documents must be submitted electronically, and shall also bear the notation "ECF CASE" under the docket.

The attorney(s) for the plaintiff(s) are requested to serve a copy of the Notice of Reassignment on all defendants.

Dated: 12/14/05 J. Michael McMahon, CLERK

by: s/ Fiona Kryan
Deputy Clerk

REDESIGNATED TO
MAGISTRATE JUDGE _____

cc: Attorneys of Record

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----------x

RUBIN STERNGASS,

Plaintiff, Pro Se,

-against-

Palisades Interstate Park Commission, the State of New York, and the Town Supervisor of the Town of Orangetown,

Defendants.

----------x

NOTICE OF APPEAL
Docket No.: 05 CIV 8784 (CM)

Notice is hereby given that RUBIN STERNGASS hereby appeals to the United States Court of Appeals for the Second Circuit from the Judgment, as issued by Decision dated December 19, 2005 in the above-captioned matter, Sua Sponte dismissed Mr. Sterngass' original Complaint and was entered in this action on the 20th day of December, 2005.

Signed: _____

Rubin Sterngass
Plaintiff, Pro Se
129 Ridge Road
Valley Collage, NY 10989
Home: (845) 268-2558
Cell: (845) 721-0421

Dated: January 10, 2006

THURGOOD MARSHALL U.S. COURT HOUSE
40 FOLEY SQUARE
NEW YORK, NY 10007

Catherine O'Hagan
CLERK OF COURT

LOCAL RULE 34 QUESTIONNAIRE:
ORAL ARGUMENTS IN PRO SE CASES

Case Name: Sterngass
v.
Palisades Interstate Park Commission

Docket No: 06-1073-cv Date: 9/19/07

NOTICE: THIS FORM MUST BE FILLED OUT AND FILED WITH THE CLERK OF COURT WITHIN 14 DAYS OF THE DATE ABOVE

READ THIS WHOLE FORM

Now that the filing of briefs in this appeal is done, this appeal is ready to go to three judges for decision. The appeal can be decided on the briefs that have already been filed, without live argument in the courtroom (called "oral argument"), or it can be decided after oral argument. At oral argument, the judges are not required to consider any argument unless it is made in the briefs, and they will not accept additional papers or evidence.

If all parties agree, this case can go directly to decision on the basis of the written briefs. Nothing more is then required from the parties; but note that judges can always request oral argument at any time.

If oral argument is desired, you must say so below on this form. Please read carefully all three statement set out below, check the one appropriate line, and sign:

____ I would like to have this case decided on the basis of the written briefs, without oral argument, if all parties also agree not to argue orally.

____ I do not want to argue orally even if other parties do.

__x__ I want to argue orally even if no one else does.

Signature: _____ Date: _____

Print Name: s/ RUBIN STERNGASS

Party: Plaintiff, Pro Se

If you seek oral argument, you must appear on the argument date set by the Court.

Failure to return this completed form within 14 days of this date will mean that you do not seek oral argument. Any other request for oral argument in briefs, letters or motions will be disregarded.